



Honorable Mike K. Nakagawa
United States Bankruptcy Judge



Entered on Docket
November 28, 2023

CARLYON CICA CHTD.
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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

CASH CLOUD, INC.,
dba COIN CLOUD,

Debtor.

Case No.: Case No. BK-S-23-10423-MKN
Chapter 11

**ORDER APPROVING STIPULATION
REGARDING JOINT MOTION TO APPROVE
SETTLEMENT AGREEMENT WITH COLE
KEPRO INTERNATIONAL, LLC PURSUANT
TO FEDERAL RULE OF BANKRUPTCY
PROCEDURE 9019 [ECF NO. 1295]**

Hearing Date: November 28, 2023
Hearing Time: 1:30 p.m.

CARLYON CICA CHTD.
265 E. Warm Springs Road, Suite 107
Las Vegas, NV 89119

1 The Court, having reviewed and considered Stipulation Regarding Joint Motion to
2 Approve Settlement Agreement with Cole Kepro International, LLC Pursuant to Federal Rule
3 of Bankruptcy Procedure 9019 [ECF No. 1295] entered into by Chris McAlary ("McAlary"),
4 by and through his counsel, the law firm of Carlyon Cica, Chtd.; Cash Cloud, Inc. ("Debtor")
5 by and through its counsel Jeanette McPherson, Esq. of Fox Rothschild LLP; and the Official
6 Committee of Unsecured Creditors (the "Committee") by and through its counsel Ryan J.
7 Works, Esq. of McDonald Carano LLP and Seward & Kissel LP (collectively the "Parties") and
8 for good cause appearing:

9 **IT IS HEREBY ORDERED** that the Stipulation [ECF No. 1512] attached as Exhibit 1
10 is approved in its entirety.

11 **IT IS HEREBY FURTHER ORDERED** that Mr. McAlary's Objection to Motion to
12 Approve Settlement Agreement with Cole Kepro International, LLC Pursuant to Federal Rule
13 of Bankruptcy Procedure 9019 [ECF No. 1488] is hereby withdrawn with prejudice.

14 **IT IS HEREBY FURTHER ORDERED** that Mr. McAlary's Motion to Reconstitute
15 the Official Unsecured Creditors' Committee [ECF No. 1413] is hereby withdrawn with
16 prejudice.

17 The Court shall separately enter a standard order scheduling a settlement conference
18 amongst the Parties with respect to the McAlary Adversary on a date and at a time and place that
19 the Parties and their counsel are available.

20 **IT IS SO ORDERED.**

21 **Submitted by:**

22 **CARLYON CICA CHTD.**

23 By: /s/ Candace Carlyon
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FOX ROTHSCHILD LLP

By: /s/ Jeanette McPherson
JEANETTE MCPHERSON, ESQ.
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DANIEL MANN, ESQ.
Nevada Bar No. 15594
NICHOLAS A. KOFFROTH, ESQ.
Nevada Bar No. 16264
Counsel for Debtor

1 **SEWARD & KISSEL LLP**

2 John R. Ashmead, Esq.
3 Robert J. Gayda, Esq.
4 Catherine V. LoTempio, Esq.
5 Laura E. Miller, Esq.
6 Andrew J. Matott, Esq.
7 *(pro hac vice applications granted)*

8 -and-

9 **MCDONALD CARANO LLP**

10 By: /s/ Ryan Works
11 Ryan J. Works, Esq. (NSBN 9224)
12 Amanda M. Perach, Esq. (NSBN 12399)
13 2300 West Sahara Avenue, Suite 1200
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15 *Counsel for Official Committee of*
16 *Unsecured Creditors*

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EXHIBIT “1”

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12 **DIAMOND MCCARTHY LLP**
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 14 *(pro hac vice admitted)*
 15 Christopher D. Johnson, Esq.
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 24 *Co-Counsel for Christopher McAlary*

15 **UNITED STATES BANKRUPTCY COURT**
 16 **DISTRICT OF NEVADA**

17 In re:	18 Case No.: Case No. BK-S-23-10423-MKN
19 CASH CLOUD, INC.,	20 Chapter 11
20 dba COIN CLOUD,	21
21	22 STIPULATION REGARDING JOINT
22	23 MOTION TO APPROVE SETTLEMENT
23	24 AGREEMENT WITH COLE KEPRO
24	25 INTERNATIONAL, LLC PURSUANT
25	26 TO FEDERAL RULE OF
26	27 BANKRUPTCY PROCEDURE 9019
27	28 [ECF NO. 1295] AND STAY OF
28	29 APPEALS
30	31
31	32 Hearing Date: November 28, 2023
32	33 Hearing Time: 1:30 p.m.

34 Chris McAlary (“McAlary”), by and through his counsel, the law firm of Carlyon Cica,
 35 Chtd.; Cash Cloud, Inc. (“Debtor”) by and through its counsel Jeanette McPherson, Esq. of Fox

1 Rothschild LLP; and the Official Committee of Unsecured Creditors (the “Committee”) by and
 2 through its counsel Ryan J. Works, Esq. of McDonald Carano LLP and Seward & Kissel LLP
 3 (collectively the “Parties”) hereby stipulate and agree as follows (the “Stipulation”):

4 **RECITALS**

5 WHEREAS, on September 22, 2023, Debtor and the Committee filed a *Joint Motion to*
 6 *Approve Settlement Agreement with Cole Kepro International, LLC Pursuant to Federal Rule of*
 7 *Bankruptcy Procedure 9019* [ECF No. 1295] (the “9019 Motion”);

8 WHEREAS, on November 18, 2023, Christopher McAlary filed his Objection to Motion
 9 to Approve Settlement Agreement with Cole Kepro International, LLC Pursuant to Federal Rule
 10 of Bankruptcy Procedure 9019 [ECF No. 1488] (the “Objection”);

11 WHEREAS, an Evidentiary hearing on the 9019 Motion is set for November 28, 2023 at
 12 1:30 p.m.;

13 WHEREAS, on September 1, 2023, the Committee, acting on behalf of the Debtor’s
 14 estate, filed a Complaint against McAlary, Case No. Case 23-01125-mkn (the “McAlary
 15 Adversary”);

16 WHEREAS, on October 20, 2023, McAlary filed a Motion to Reconstitute the Official
 17 Unsecured Creditors’ Committee [ECF No. 1413](the “Motion to Reconstitute”);

18 WHEREAS, the Parties have conferred and agreed that (1) the Parties consent to
 19 participate in good faith in a court-ordered settlement conference with respect to the McClary
 20 Adversary; (2) McClary agrees to withdraw the Objection; and (3) McAlary agrees to withdraw
 21 the Motion to Reconstitute.

22 NOW, THEREFORE, the Parties hereby stipulate and agree to the following:

23 **IT IS HEREBY STIPULATED** that Mr. McAlary’s Objection to Motion to Approve
 24 Settlement Agreement with Cole Kepro International, LLC Pursuant to Federal Rule of
 25 Bankruptcy Procedure 9019 [ECF No. 1488] is hereby WITHDRAWN with prejudice.

26 **IT IS HEREBY FURTHER STIPULATED** that the Motion to Reconstitute [ECF No.
 27 1413] is hereby WITHDRAWN with prejudice.

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1 **IT IS HEREBY FURTHER STIPULATED** that, with respect to the McAlary
2 Adversary, the Parties agree to participate in good faith in a confidential court-ordered
3 settlement conference pursuant to LR9019(a)(1), and the Parties jointly request that the Court
4 issue an order setting such a settlement conference.

5 **IT IS HEREBY FURTHER STIPULATED** that the Parties agree to stay both
6 appeals arising out of this bankruptcy case before the United States District Court, District of
7 Nevada under Case No. 2:23-cv-1424-GMN and Case No. 2:23-cv-01580-JAD until further
8 notice.

9 No other deadlines are affected by this Stipulation.

10 **IT IS SO STIPULATED AND AGREED.**

11 **CARLYON CICA CHTD.**

12 By: /s/ Candace Carlyon
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4 Andrew J. Matott, Esq.

5 (*pro hac vice applications granted*)

6 -and-

7 **MCDONALD CARANO LLP**

8 By: /s/ Ryan Works

9 Ryan J. Works, Esq. (NSBN 9224)

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13 *Counsel for Official Committee of
14 Unsecured Creditors*

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CERTIFICATE OF SERVICE

I am an employee of Carlyon Cica Chtd. On the date of filing of the foregoing papers with the Clerk of Court I caused a true and correct copy to be served in the following manner:

ELECTRONIC SERVICE: Pursuant to LR 2002 of the United States Bankruptcy Court for the District of Nevada, the above-referenced document was electronically filed and served on all parties and attorneys who are filing users through the Notice of Electronic Filing automatically generated by the Court.

UNITED STATES MAIL: By depositing a true and correct copy of the above-referenced document into the United States Mail with prepaid first-class postage, addressed to the parties at their last-known mailing address(es):

OVERNIGHT COURIER: By depositing a true and correct copy of the above-referenced document for overnight delivery via a nationally recognized courier, addressed to the parties listed below which was incorporated by reference and made final in the w at their last-known mailing address.

FAXSIMILE: By sending the above-referenced document via facsimile to those persons listed on the attached service list at the facsimile numbers set forth thereon.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Nancy Arceneaux
An employee of Carlyon Cica Chtd